

SPECIAL MEETING
AGENDA

Wednesday, January 19, 2005 7:30 P.M.

Meeting Room 213

Darien Town Hall, 2 Renshaw Road

Darien, Connecticut

EXECUTIVE SESSION

To discuss pending litigation with Town Attorney Jim Murphy and Planning and Zoning Director Jeremy Ginsberg.

**REGULAR MEETING
AGENDA**

Wednesday, January 19, 2005 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

APPROVAL OF MINUTES

1. **Minutes of decisions from December 15, 2004** (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Everett Drugge, and Jeff Williams):
 - a. 87-2004, Douglas C. Curtis, Jr., 10 Clocks Lane.
 - b. 89-2004, Gleason, Hill & Ambrette, LLC on behalf of 390 Post Road, LLC, 1089 Boston Post Road.
 - c. 90-2004, Daniel McNulty, 6 Woodley Road.
 - d. 91-2004, Gleason, Hill & Ambrette on behalf of Gary and Mary Jo Arcamone, 38 Henry Street.
 - e. 92-2004, Jim and Susan Ramsey, 136 Pear Tree Point Road.

PUBLIC HEARINGS

This Public Hearing must be opened by January 21, 2005 (within 65 days after its November 17, 2004 Receipt Date). The ZBA may open this hearing tonight (January 19, 2005) and continue it for 35 days if necessary.

CALENDAR NO. 88-2004

The application of Rucci, Burnham, Carta & Edelberg, LLP on behalf of 1918 Post Road Associates and Ronald Rainone filed on November 17, 2004 for amendments to Stipulations #4, 5, and 7 of the Resolution of ZBA Calendar No. 4-1993, to allow 7 in lieu of 3 employees at the site at any given time, different hours of operation, and a change in use to a tailoring and dry-cleaning establishment. The property is situated on the south side of Boston Post Road approximately 70 feet west of the intersection of Boston Post Road and Rings End Road and is shown on Tax Assessor's Map #51 as Lot #37, being 1918 Boston Post Road and located in an NB (commercial) Zone.

CALENDAR NO. 94-2004

The application of Robert F. Maslan, Jr. Esq. on behalf of Denis Manelski and Jennifer Manelski filed on November 17, 2004 for interpretations of Sections 210, and 385; and variations of Sections 334, 406, and 906.3a of the Darien Zoning Regulations to allow the construction of a two and one-half story replacement residence with, one story porches, a side entry landing and steps, mechanical equipment, and an attached one story garage. Section 210: an interpretation that the east and west property lines are side lot lines; Section 385: a determination that the subject lot is a legal nonconforming building lot with 39,640 in lieu of 43,560 square feet minimum required lot size; Section 334: construction on a portion of the lot with 114.9 in lieu of 150.0 feet minimum required lot width; Section 406: 28.8 in lieu of 40.0 feet minimum required west rear yard setback for the replacement residence; 27.1 in lieu of 40.0 feet minimum required east rear yard setback for the replacement residence; 28.8 in lieu of 40.0 feet minimum required west rear yard setback and 25.0 in lieu of 40.0 feet minimum required east rear yard setback for the porches; 25.5 in lieu of 40.0 feet minimum required west rear yard setback for the side entry landing and steps; 26.6 in lieu of 40.0 feet minimum required west rear yard setback for the mechanical equipment; 25.1 in lieu of 40.0 feet minimum required west rear yard setback for the replacement garage; and Section 906.3a: the development of required off-street parking within required yard spaces. The property is situated on the south side of Pratt Island approximately 1,150 feet southeast of the intersection of Nearwater Lane and Baywater Drive and is shown on Tax Assessor's Map #55 as Lots #121 and 122, being 11 Pratt Island and located in an R-1 (residential) Zone.

CALENDAR NO. 95-2004

The application of Neil Hauck, AIA on behalf of Sam and Mary Ann Wiley filed on December 22, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of a two and one-half story addition. Section 406: 16.2 in lieu of 20.2 feet minimum required side yard setback relative to the southwest property line. The property is situated on the east side of Hazel Street approximately 400 feet north of the intersection of Hazel Street and West Avenue and is shown on Tax Assessor's Map #24 as Lot #16, being 39 Hazel Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 96-2004

The application of Robert F. Maslan, Jr., Esq. on behalf of Bluff Island, LLC filed on December 22, 2004 for interpretations of Sections 337, and 385 and/or variations of Sections 210, 334, 406 and 906.3a of the Darien Zoning Regulations to allow the reconstruction of a two and one-half story residence with additions, generator, and a pool. Section 337: a determination that the east property line is a side lot line; Section 385: a determination that the subject lot is a legal nonconforming building lot; Section 210: a determination that the east property line is a side lot line; Section 334: construction on a portion of the lot with 93.0 in lieu of 150.0 feet minimum required lot width; Section 406: 41.5 in lieu of 65.0 feet minimum required front yard setback as

measured from the centerline of Butler's Island Road, 12.1 in lieu of 25.0 feet minimum required side yard setback from the west property line, and 24.0 in lieu of 40.0 feet minimum required rear yard setback from the east property line for the reconstructed residence; 14.5 in lieu of 25.0 feet minimum required side yard setback from the west property line for the generator, and 25.0 in lieu of 40.0 feet minimum required rear yard setback from the east property line for the pool; and Section 906.3a: the development of required off-street parking within required yard spaces. The subject property is located on the south side of Butler's Island Road, approximately 550 feet southeast of the intersection of Butler's Island Road and North Road, and is shown on Assessor's Map #67 as Lot #79, being 23 Butler's Island Road, located in the R-1 (Residential) Zone.

CALENDAR NO. 97-2004

The application of Jim and Susan Ramsey filed on December 22, 2004 for variations of Sections 406 and 825 of the Darien Zoning Regulations to allow the reconstruction of a one story wrap around porch, the construction of a stair tower, and maintenance of existing basement and first floor space. Section 406: 38.0 in lieu of 30.0 feet maximum average roof height for the roof structure (stair tower); Section 406: 20.8 in lieu of 40.0 feet minimum required front yard setback for the reconstructed porch; and Section 825: maintenance of existing basement space at 6.46 in lieu of 14.0 feet minimum required floor elevation; and maintenance of existing first floor living space at 13.63 in lieu of 14.0 feet minimum required floor elevation space. The property is situated on the east side of Pear Tree Point Road approximately 500 feet south of the intersection of Crane Road and Pear Tree Point Road and is shown on Tax Assessor's Map #60 as Lots #38, 39, and 40, being 136 Pear Tree Point Road and located in an R-1 (residential) Zone.

GENERAL MEETING

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their legal responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above.
2. Requested additional extension to July 31, 2005, to obtain all required permits and begin on-site construction for ZBA Calendar No. 37-2004, Jerry & Susan Elliott, 97 Five Mile River Road. Initial ZBA approval would have expired on December 10, 2004. On September 22, 2004 the ZBA granted an extension to June 30, 2005.

3. Requested amendment to the approved plans of Calendar No. 7-2004, Frank & Lois Zabrocky, 67 Hoyt Street.
4. Requested six month extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 41-2004, Samuel V. Schoonmaker IV, 55 Cedar Gate Road. Initial ZBA approval would have expired on January 1, 2005. The written request was received December 30, 2004.
5. Requested three to six month extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 60-2004, Michael & Pamela Clark, 7 Berry Lane. Initial ZBA approval expires on February 12, 2005.
6. Requested amendment to the approved plans of Calendar No. 72-2003, and requested ??? six month extension to obtain all required permits and begin on-site construction Fred & Jane Schweizer, 6 Berry Lane. The Public Hearing for this request was on September 17, 2003. Initial ZBA approval would have expired on April 2, 2004. On March 31, 2004 the ZBA granted a one year extension to April 2, 2005. On April 14, 2004 and May 26, 2004 the ZBA refused to approve previously submitted amended plans.
7. Any other business (requires 2/3 vote of members present and voting).